Application No.: 10/736,587
 Attorney Docket No.: 4851.03

 Art Unit: 2616
 Confirmation No.: 5735

REMARKS

By the present amendment, Applicant has amended Claims 58 and 115 and canceled

Claims 1-57, 86, and 143. Claims 58-85, 87-142, and 144-171 remain pending in the present

application. Claims 58 and 115 are independent claims.

In the recent Office Action the Examiner rejected independent claims 58 and 115

under 35 U.S.C. § 102(b) as being anticipated by Mandelbaum et al (5,552,897). Since

these claims have been amended by the insertion of dependent claims 86 and 143,

respectively, Applicant notes that those claims were rejected under 35 U.S.C. § 103(a) as

being unpatentable over Mandelbaum et al ('897) in view of Cairo(5,566,230).

Applicant will advance arguments hereinbelow to illustrate the manner in which the

presently claimed invention is patentably distinguishable from the cited and applied prior

art. Reconsideration of the present application is respectfully requested.

Applicant's invention is a system and/or method for routing voice/video/fax mail

from a sending fax machine to a receiving fax machine. Each fax machine includes a

processor and memory and specific fax software whereby the fax machines are configured

for routing voice/video/fax mail to associated recipients. As depicted in the figures, fax

machine 10 allows the sender of voice/video/fax mail to be the controller of voice/video/fax

mail, and enables the sender to be certain that voice/video/fax mail is delivered to an

intended recipient using a fax machine 10 via a WAN. For example, the fax machine 10

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may be a system connected to a user's office by wire, cable, etc. so the printer at an intended recipient's location may be under the user's control, and the fax document may be secured in a glass container until the user proof reads or feels assured of delivering, or even shredding the fax mail. When the user is satisfied that the fax documents are correct, the user then releases the document to the recipient. Furthermore, each fax machine includes fax software to enable it to be configured in a VERIFICATION MODE thereby permitting the sender to determine whether the fax mail has been retrieved by the recipient at the receiving fax machine. As the specification states beginning at page 31:

"Fax machine 10 also allows a fax sender to access a recipient fax machine 10 in order to determine whether a particular voice/video/fax mail has been received and accessed by the intended recipient. This enables the sender to verify and confirm voice/video/fax mail retrieval on the recipient's fax machine 10 by way of a muted ring. The sender may access the recipient, and discreetly verify not only that the voice/video/fax mail has been received, but also that the recipient has indeed retrieved the voice/video/fax mail. Since a passcode may be used on all private mail, fax machine 10 may enable the sender to call the receiver's fax machine 10, dial in the passcode plus a specified voice/video/fax mail transmission number, and fax machine 10 may confirm whether the voice/video/fax mail has been received, or is pending retrieval. This feature has value on all systems set up employing the teachings of the invention, and particularly in the case of intracompany correspondence. A visible or invisible transmission number may appear on the face of all outgoing voice/video/fax mail, along with other standard information, such as the date, receiver's fax number, or the like.

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As shown in Fig. 9, fax machine 10 may be configured in a VERIFICATION mode.

When voice/video/fax mail has been sent and when fax machine 10 is set to a

VERIFICATION MODE (step 700), a muted ring call is made (step 702), and if no signal is

received (step 706), fax machine 10 waits for the signal and confirms the signal (step 704).

The voice/video/fax mail tracking number is entered, the voice/video/fax mail status is

retrieved, and a determination is made whether or not the voice/video/fax mail has been

retrieved by the recipient, or is still pending retrieval (steps 706, 710, 712, 714). "

In order to specifically recite these features, independent claims 58 and 115 have

been similarly amended to recite: "said first and second fax machines' software further

include programmed functions to configure the fax machine in a VERIFICATION MODE

for enabling the sender to determine whether voice/video/fax mail sent from the fax machine

has been retrieved by a recipient at a receiving fax machine."

In contradistinction to Applicant's claimed invention, Mandelbaum lacks fax

software to configure the fax machines into a VERIFICATION MODE for enabling the

sender to determine whether voice/video/fax mail sent from the fax machine has been

retrieved by a recipient at a receiving fax machine. Since the transmissions are coded,

Mandelbaum assumes the recipient has retrieved the transmission by entering the security

codes. Mandelbaum wants to ensure that the intended recipient received the fax, as opposed

to Applicant's endeavor to remove the excuse "I never got the fax" from the equation.

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In order to overcome Mandelbaum's lack of structure/method, the Examiner relies

on Cairo ('230) to teach a method of certifying fax deliveries. The Examiner notes that

Cairo discloses "indicia of delivery" (column 2, lines 51 to Column 3, line 7). Adding

"indicia of delivery" to Mandelbaum's fax communication would, at best, seem redundant

since the sender inputs the selected recipient's ID, password, etc. and the recipient must use

their own code, pin number, smart code etc. to access the fax, thereby ensuring indicia of

delivery. Regardless of the obviousness of using Cairo's structure/method of certifying a fax

delivery, Cairo fails to disclose structure/method of a VERIFICATION MODE that enables

the sender to determine that the recipient has retrieved the fax AND NOT JUST THAT IT

WAS DELIVERED.

Thus, the prior art fails to disclose the claimed invention. In summary, the prior art

does not possess communicatively interconnected or linked fax machines, each possessing

specific fax software that enables the sender to engage the receiving fax machine into a

mode in which the sender controls the receiving fax machine's total function until the sender

releases the fax document also configures the fax machines into a VERIFICATION MODE

that enables the sender to know if the recipient <u>retrieved</u> the fax transmission..

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For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,

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